



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: February 12, 2008
Comment Deadline: March 13, 2008
Corps Action ID #: SAW-2008-00196

The Wilmington District, Corps of Engineers (Corps) has received an application from the Charlotte-Mecklenburg Utilities Department seeking Department of the Army authorization to impact 1.27 acres of riparian wetlands and 227 linear feet of an unnamed tributary to Stewart Creek (88 linear feet of stream have been determined to be intermittent with unimportant aquatic function) in association with the expansion and reconstruction of 2 reservoirs with a total current holding capacity of 105-million gallons to one 250-million gallon reservoir at the Franklin Water Treatment Plant located at 5200 Brookshire Boulevard in Charlotte, Mecklenburg County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Charlotte-Mecklenburg Utilities Department
Attention: Mr. Barry Shearin
5100 Brookshire Boulevard
Charlotte, North Carolina 28216

AGENT: S&ME, Incorporated
9751 Southern Pine Boulevard
Charlotte, North Carolina 28273

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

Location

The proposed project is located at the Franklin Water Treatment Plant at 5200 Brookshire Boulevard, in Charlotte, Mecklenburg County, North Carolina (35.2813 degrees north, -80.8897 degrees west), Mountain Island Lake USGS Quadrangle.

Existing Site Conditions

The proposed project is located at the Franklin Water Treatment Plant in an urbanized area of Charlotte. The subject property is approximately 216 acres and is primarily developed with six water tanks, three raw water reservoirs (Reservoirs 1, 2, and 3), a laboratory, offices, warehouses, water treatment lagoons, and asphalt and gravel access roads. In addition, scattered areas of woodland and open fields are located throughout the property. A riprap lined channel is located between Reservoirs 1 and 3 and extends south to Stream 1 (see enclosed plans). Raw water vaults are located northeast of Reservoir 2 adjacent to Wetland B. Two culverted earthen berms cross Stream 1. A chain-linked fence with a mechanical security gate surrounds the subject property. Reservoirs 1, 2, and 3 store a combined 355 million gallons of raw water. The raw water is transferred from Mountain Island Lake through the Catawba River Pump Station, west of the subject property, and then gravity fed to the Franklin Water Treatment Plant before undergoing a treatment process at the facility. The 250 million gallon reservoir expansion proposed will be sited in the northeastern portion of the subject property, within the footprint and vicinity of Reservoirs 1 and 2.

Applicant's Stated Purpose

The stated purpose of the proposed work is to provide compliance with dam safety regulations and increase the on-site raw water capacity. Since 1989, the availability of raw water at the facility has been 355 million gallons. Reservoirs 1 and 2 and their dams have been deteriorating and exhibiting seepage and eroding conditions, such that the dams do not meet current dam safety regulatory requirements of the State Land Quality Section.

Project Description

Plans submitted with the application show the replacement by the Charlotte-Mecklenburg Utility Department (CMU) of Reservoir 1 and 2 with a larger reservoir to increase on-site capacity. The improved, larger facility will accommodate the growth increase in Mecklenburg County by providing 500 million gallons of on-site raw water supply. The expansion will provide CMU with operational flexibility and reliability to their service area during extended periods of power outages and other disturbances. Further, the expansion will increase raw water storage in cases of severe drought conditions as well as low water levels at Mountain Island Lake. In addition, raw water expansion capacity will improve water quality by allowing sediment to settle before the raw water undergoes treatment. The NC Public Water Supply Section requires that the Franklin Water Treatment Plant utilize on-site terminal reservoirs for adequate treatment and enhanced reliability. Plans showing the work are included with this public notice.

In order to compensate for 1.27 acres of wetland loss and 139 linear feet of perennial stream loss the applicant is proposing payment to an umbrella bank provided by the Charlotte Umbrella Stream and Wetland Mitigation Bank at a ratio of 1:1 for 139 linear feet of impacts to Stream 1. To offset unavoidable wetland impacts, CMU is proposing payment to the NC Ecosystem Enhancement Program at a ratio of 1:1.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260 Attention: Ms Cyndi Karoly by March 13, 2008.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife

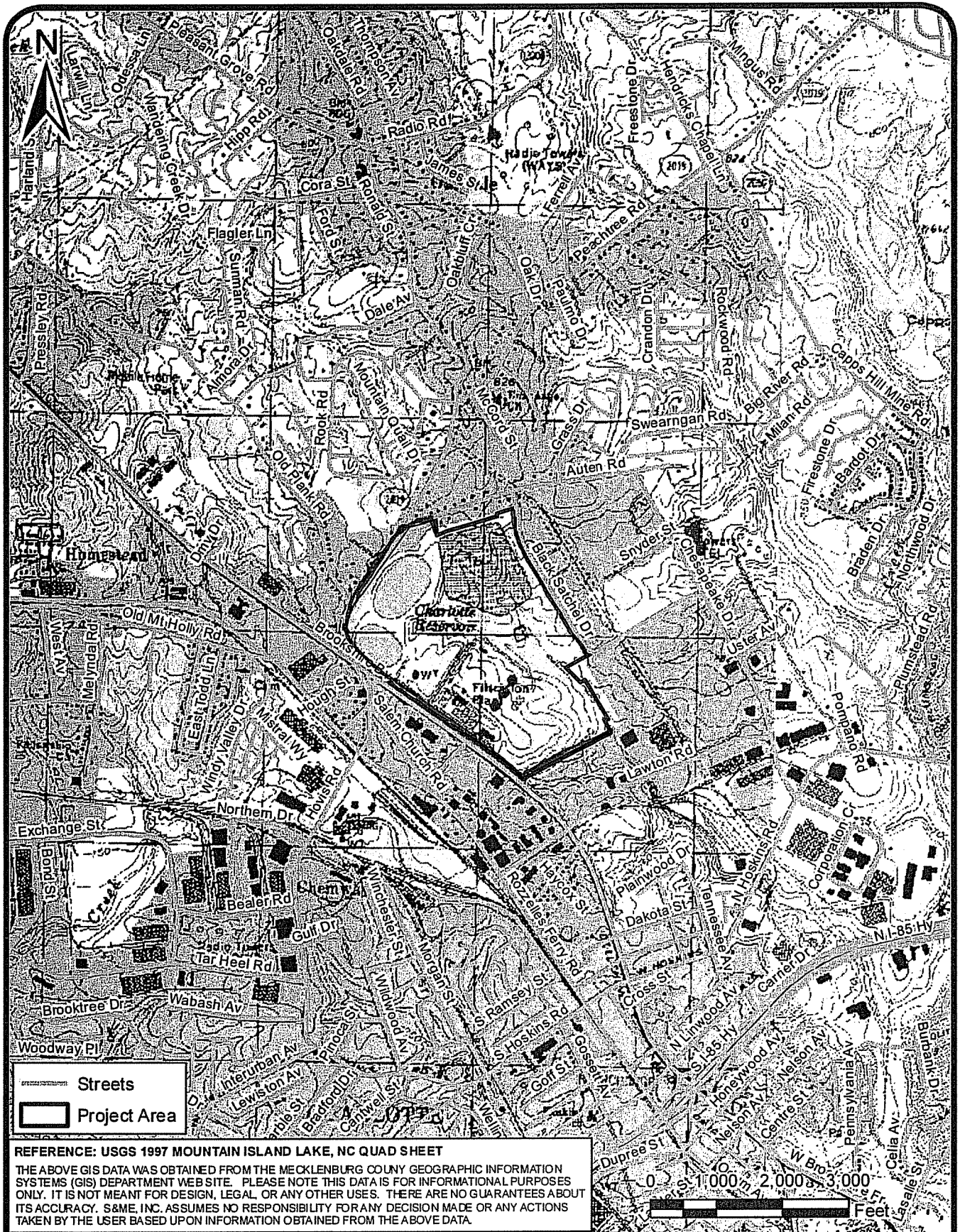
values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

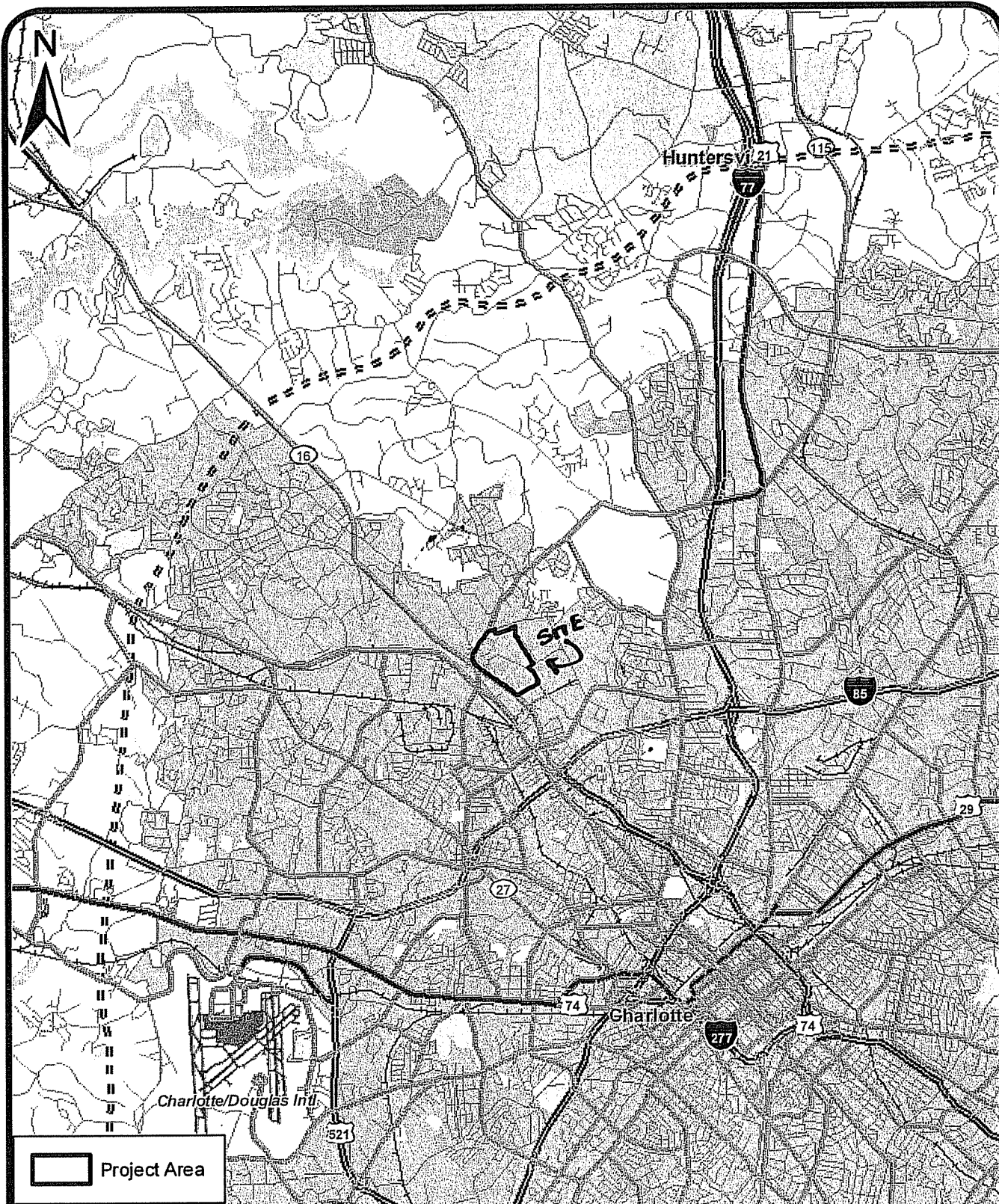
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Commander determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, March 13, 2008. Comments should be submitted to Mr. Steve Chapin, U.S. Army Corps of Engineers, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.



ACTION ID. SAW-2008-00196-360

SHEET 1 OF 8



REFERENCE:

THE ABOVE GIS DATA WAS OBTAINED FROM THE ESRI STREETMAP USA DATASET (2000) AND THE MECKLENBURG COUNTY GEOGRAPHIC INFORMATION SYSTEMS (GIS) DEPARTMENT WEB SITE. PLEASE NOTE THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR ANY OTHER USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON INFORMATION OBTAINED FROM THE ABOVE DATA.



SCALE: AS SHOWN

DATE: 08-07-07

DRAWN BY: DDH

PROJECT NO:
1357-06-733A



SITE VICINITY MAP

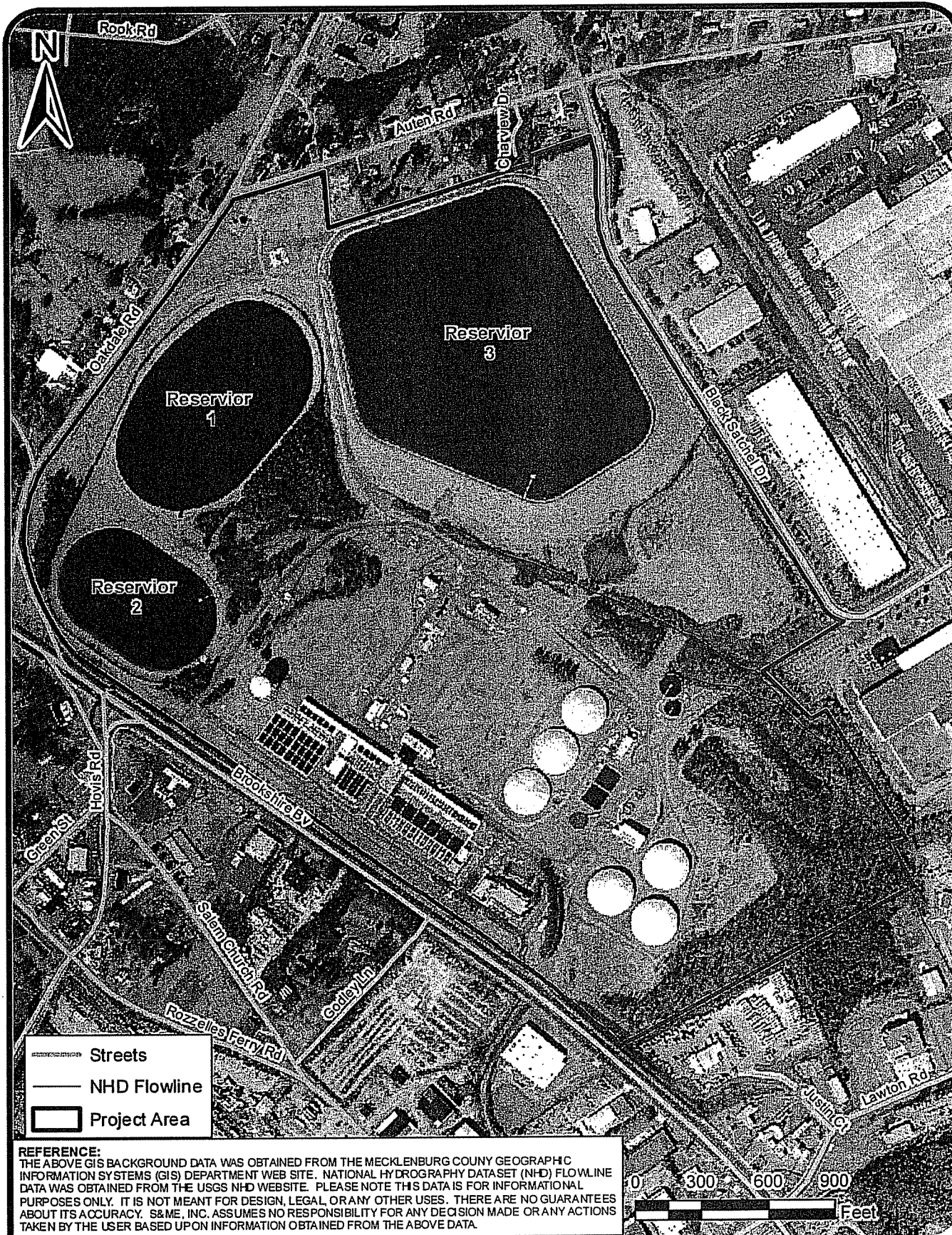
250-Million Gallon Reservoir Expansion
Franklin Water Treatment Plant
Charlotte, North Carolina

FIGURE
NO.

1

ACTION 10. BAW-2008-00196-360

SHEET 3 OF 8



REFERENCE:
 THE ABOVE GIS BACKGROUND DATA WAS OBTAINED FROM THE MECKLENBURG COUNTY GEOGRAPHIC INFORMATION SYSTEMS (GIS) DEPARTMENT WEB SITE. NATIONAL HYDROGRAPHY DATASET (NHD) FLOWLINE DATA WAS OBTAINED FROM THE USGS NHD WEBSITE. PLEASE NOTE THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR ANY OTHER USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON INFORMATION OBTAINED FROM THE ABOVE DATA.

SCALE: 1" = 600'
 DATE: 08-07-07
 DRAWN BY: DDH
 PROJECT NO: 1357-06-733A



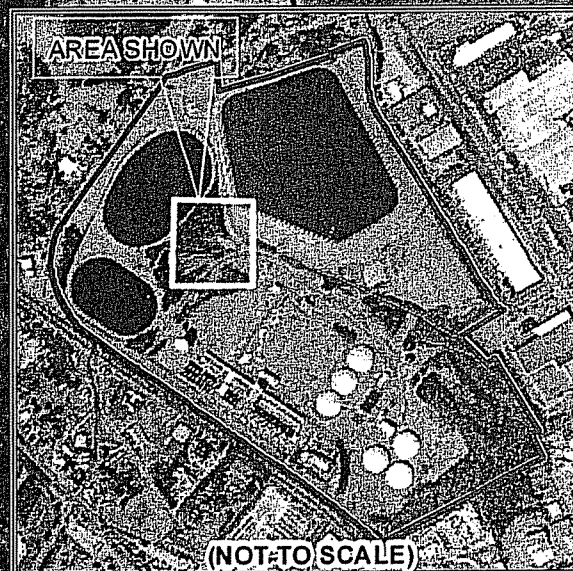
2005 AERIAL PHOTOGRAPH
 250-Million Gallon Reservoir Expansion
 Franklin Water Treatment Plant
 Charlotte, North Carolina

FIGURE NO.
3

ACTION ID. SAW-2008-00196-360
 SHEET 3 OF 8



Reservoir Drained
10/12/07







WETLAND A:
0.348 ACRE

DRAIN

WETLAND B:
0.100 ACRE

STREAM 1:
139 PERENNIAL LF
88 INTERMITTENT, UNIMPORTANT LF
67 CULVERTED LF

-  Culverted Stream
 Intermittent Stream
 Perennial Stream
 Wetlands

REFERENCE:

WETLANDS AND STREAMS WERE DELINEATED IN THE FIELD BY S&ME PERSONNEL USING AT LEAST SUBMETER ACCURACY GPS UNITS. DELINEATIONS HAVE NOT BEEN VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS NOR SURVEYED. PLEASE NOTE THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR ANY OTHER USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON INFORMATION OBTAINED FROM THE ABOVE DATA.

0 50 100 150
Feet

SCALE: 1" = 100'

DATE: 11-27-07

DRAWN BY: DDH

PROJECT NO:
1357-06-733A



**APPROXIMATE WATERS
OF THE U.S. MAP**

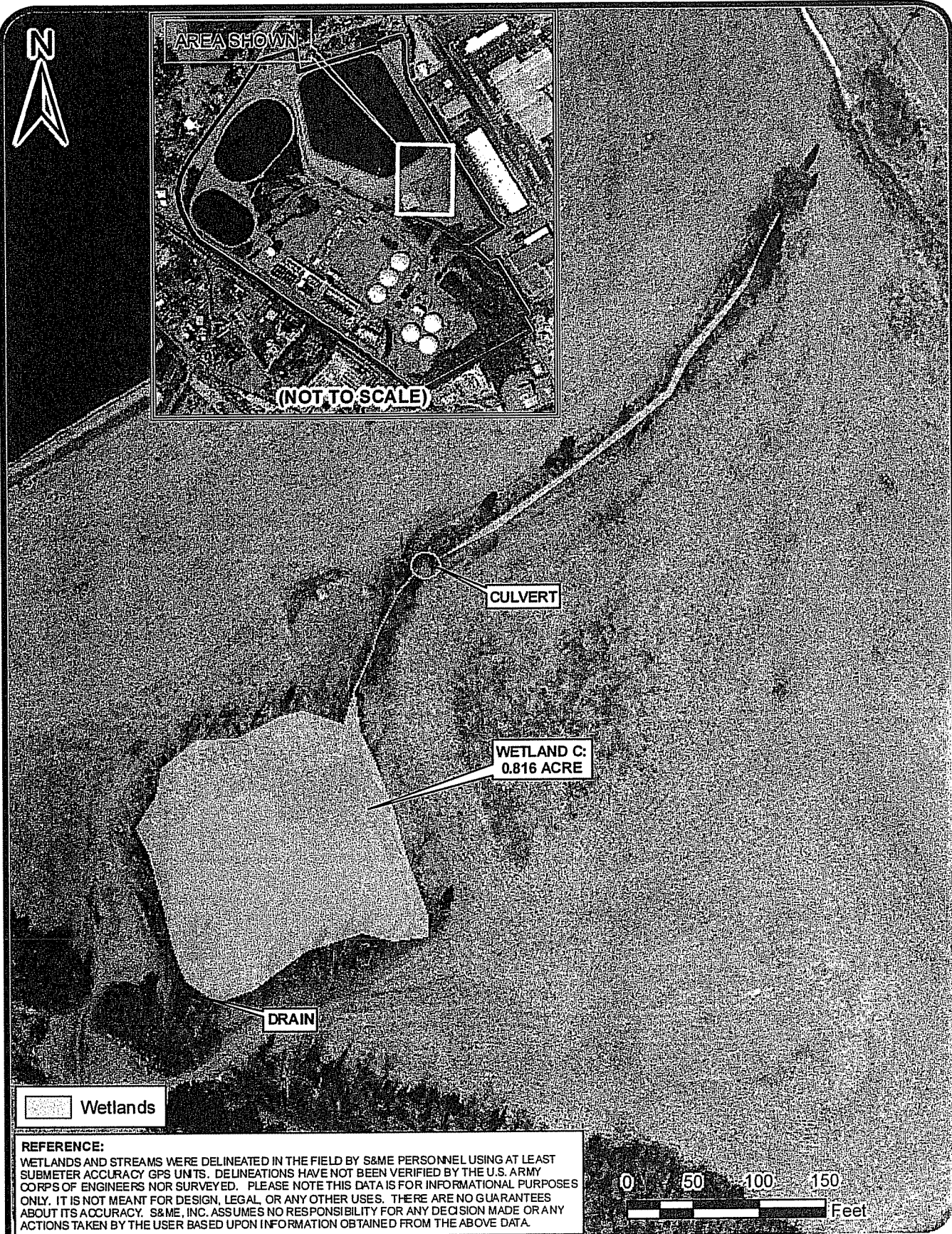
250-Million Gallon Reservoir Expansion
Franklin Water Treatment Plant
Charlotte, North Carolina


FIGURE
NO.

5A

ACTION ID. SAW-2008-00196-360

SHEET 4 OF 8



 Wetlands

REFERENCE:

WETLANDS AND STREAMS WERE DELINEATED IN THE FIELD BY S&ME PERSONNEL USING AT LEAST SUBMETER ACCURACY GPS UNITS. DELINEATIONS HAVE NOT BEEN VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS NOR SURVEYED. PLEASE NOTE THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR ANY OTHER USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON INFORMATION OBTAINED FROM THE ABOVE DATA.



SCALE: 1" = 100'
DATE: 08-07-07
DRAWN BY: DDH
PROJECT NO: 1357-06-733A



**APPROXIMATE WATERS
OF THE U.S. MAP**

250-Million Gallon Reservoir Expansion
Franklin Water Treatment Plant
Charlotte, North Carolina

FIGURE
NO.

5B

ACTION ID. SAW-2008-00196-360
SHEET 5 OF 8

Note: Areas identified as wetlands and/or streams have been delineated and field verified by the USACE, but not surveyed. This map is for preliminary planning purposes only.



Source: Mecklenburg County POLARIS Website

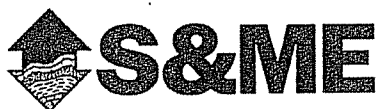
- Approximate Limits of Study Area
- Intermittent Stream (Stream 1)
- Earthen Road
- ☆ Stream Assessment Point
- ✦ Wetland/Upland Data Points
- Culvert drains opposite side of road into Wetland A
- Water vaults
- ▨ Drainage grate to riprap channel outside of study area
- ▨ Wetlands

Scale: As Shown

Checked by: LJB

Drawn by: SLK

Date: 8-14-06



APPROXIMATE WATERS OF THE U.S., INCLUDING WETLANDS MAP

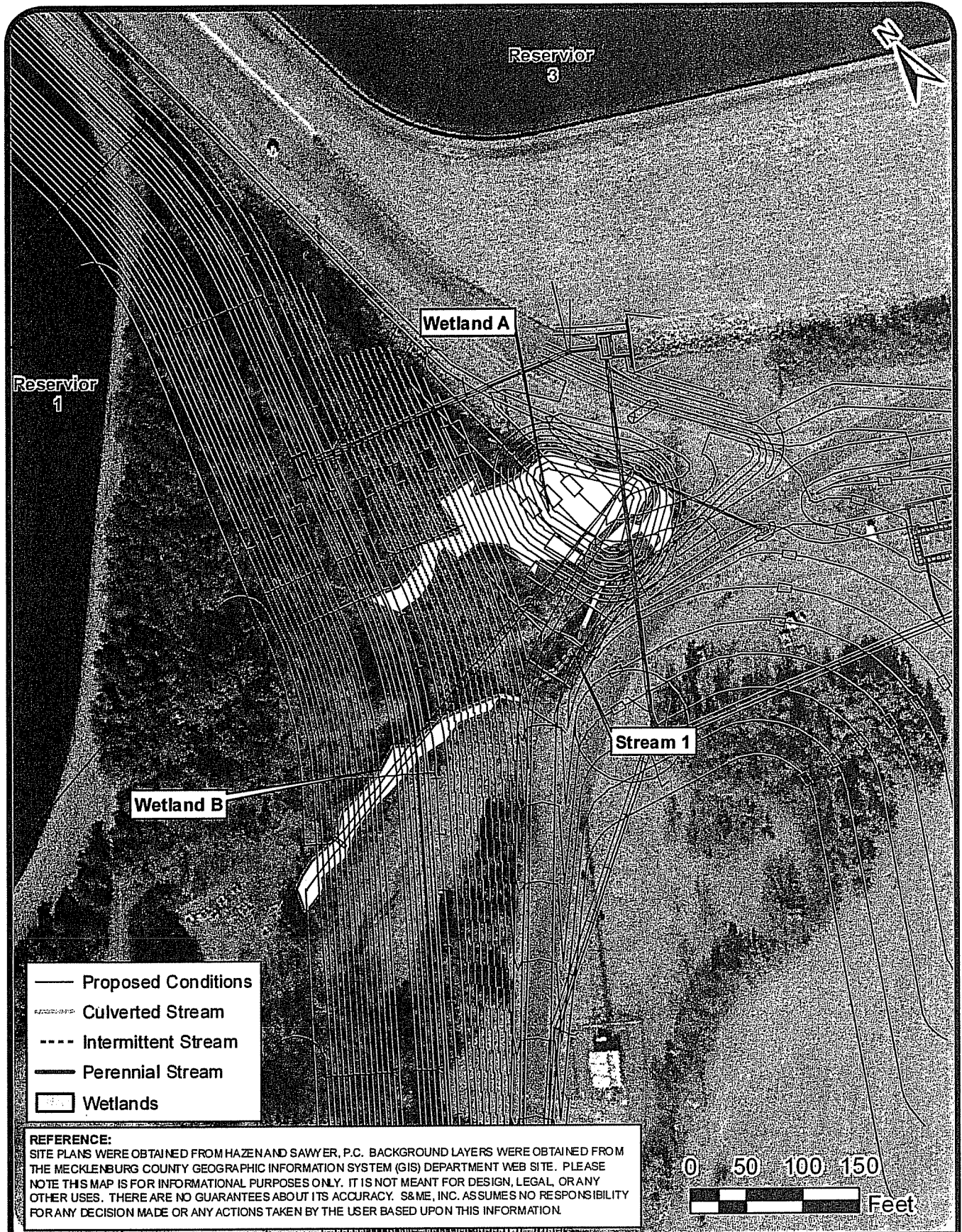
250-Million Gallon Reservoir Expansion Project
Franklin Water Treatment Plant
Charlotte, North Carolina

Project No.: 1357-06-733

Figure

4

ACTION ID. SAW-2008-00196-360
SHEET 6 OF 8



SCALE: AS SHOWN
 DATE: 10-17-07
 DRAWN BY: DDH
 PROJECT NO: 1357-06-733A



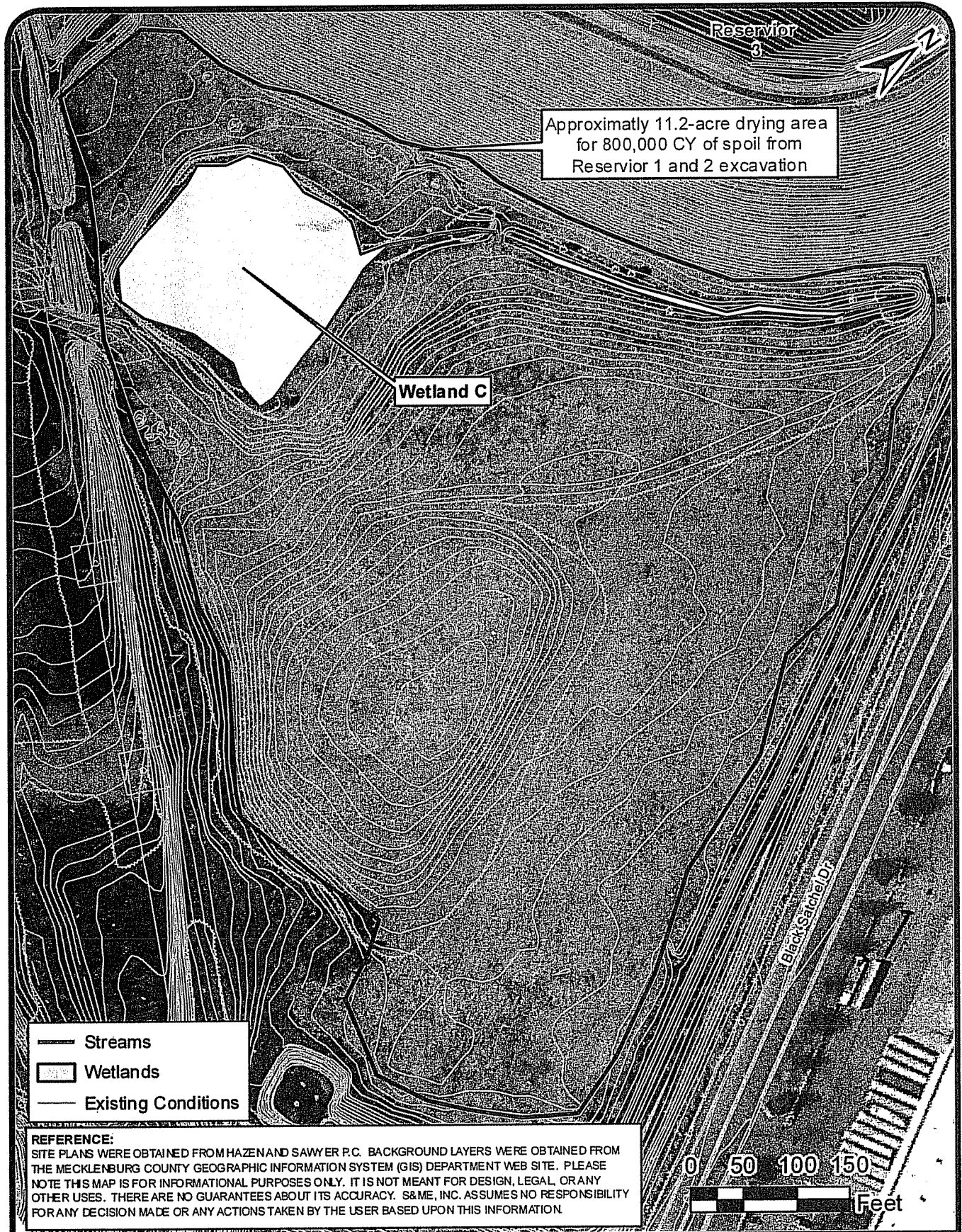
IMPACT AREA 1 MAP

250-Million Gallon Reservoir Expansion
 Franklin Water Treatment Plant
 Charlotte, North Carolina

FIGURE NO.

7A

ACTION ID. SAW-2008-00196-360
 SHEET 7 OF 8



REFERENCE:

SITE PLANS WERE OBTAINED FROM HAZEN AND SAWYER P.C. BACKGROUND LAYERS WERE OBTAINED FROM THE MECKLENBURG COUNTY GEOGRAPHIC INFORMATION SYSTEM (GIS) DEPARTMENT WEB SITE. PLEASE NOTE THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR ANY OTHER USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS INFORMATION.

SCALE: AS SHOWN

DATE: 10-17-07

DRAWN BY: DDH

PROJECT NO:
1357-06-733A



IMPACT AREA 2 MAP

250-Million Gallon Reservoir Expansion
Franklin Water Treatment Plant
Charlotte, North Carolina

FIGURE
NO.

7B

ACTION 10. SAN-2008-00196-360

SHEET 8 OF 8